

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 59 - SB 336**

February 14, 2017

**SUMMARY OF BILL:** Creates a class E felony for injuring or threatening to injure another person or damaging, destroying, or defacing property of another person with the intent to intimidate that person from the free exercise of, or because of, the person's political beliefs, political party affiliation, or choice of candidate.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$210,900/Incarceration\***

Assumptions:

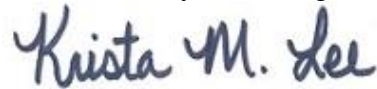
- Tennessee Code Annotated § 39-17-309 prohibits any person from intimidating another from the free exercise or because of the free exercise of any right or privilege secured under the Constitutions of the United States and Tennessee. A violation of Tenn. Code Ann. § 39-17-309 is a class D felony.
- The proposed legislation adds a new offense for intimidating another person from the free exercise or because of the person's free exercise of his or her political beliefs.
- Statistics from the Department of Correction (DOC), show an average of 0.4 admissions each year for violations of Tenn. Code Ann. § 39-17-309. However, research from the most recent election cycle shows several instances in Tennessee that would be punishable under the proposed legislation.
- Therefore, it is assumed that the proposed legislation will result in 10 class E felony admissions each election cycle, for an average of five each year.
- The average time served for a class E felony is 1.40 years.
- According to the DOC, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one (5 x .1178) additional admissions for a total of six (5 + 1).
- A recidivism discount of 33.2 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on six offenders serving 1.40 years (511.35 days) at a cost of \$35,155 (\$68.75 x 511.35 days) per offender. The total cost for six offenders is \$210,930 (\$35,155 x 6).
- The proposed legislation only creates a few new felony cases per year. It is assumed that the courts, district attorneys, and public defenders can accommodate the impact to their caseloads within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm